

AMENDED COMPLAINT (Pgs. 1-20)

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CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
October 30, 2023
LAURA A. AUSTIN, CLERK
BY:
s/A. Beeson
DEPUTY CLERK

* STATEMENT OF FACTS *

- ① ON 4/8/21 I filed an emergency grievance stating that I was subjected to serious risks to my physical/mental health and safety, that specific policies, laws, etc. violate ADA rights due to my many ADA qualifications/disabilities and Mental health.
- ② UM Santos, acting ADA coordinator, responded determining the situation/conditions "not an emergency", (see exh.6) I gave him a copy of my "Request for Presentable ADA accommodations" to submit for his approval (see exh.8) on 5/12/21
- ③ ON 5/12/21, UM Santos, acting ADA coord., responded to my informal complaint written on 5/3/21 about being denied ADA accommodations and my disabilities being exacerbated as a result. He responded that accommodations requested will be placed as he had reviewed my charts with medical. Df. Santos did nothing.
- ④ ON or about May 14, 2021 I attempted suicide by stabbing myself multiple times in the stomach and swallowing 6 with metal ice-pick-like objects; I suffered perforations of my small and large intestines, esophagus, pancreas, spleen, stomach, kidney, etc and had to have my spleen removed and partial pancreas and sections of my large and small bowel. I also had to have a colostomy prosthesis permanently placed and also suffered multiple bouts of sepsis requiring hospitalization for over 2 months. That's the physical side of injuries, as for the mind. I cannot ~~expand~~ expand on the "mental" pain and suffering I felt and continue to suffer from, especially when I am already diagnosed with PTSD and continue to attempt suicide.

(2)

on 6/29/21 I left MCV Hospital to Sussex State Prison and placed in their SAM unit. I began filing grievances on still being denied ADA accommodations for my visual impairment and mental illness. My grievances were forwarded to WSP since I was at SXI on a temporary medical hold. My grievances were denied intake stating "Request for services" and stating that: "ADA Accommodations pre procedure will be provided upon return to WSP". I appealed it not being processed and it was denied (as always) as is Regional ~~ambassador~~ routine.

(522 exh. 5g).

(3) On or about 8/25/21 I returned to WSP and refiled grievances for blatant continuation of being denied approved ADA accommodations. I spoke with operations manager/ADA coordinator Mr. Coughron and Warden Davis and Chap Carico and Ms Townsend to no avail. My grievances were denied intake again by B.J. Ronizze (as is WSP routine) stating: "after optometrist appointment if accommodations are required they will be met pre procedure" (522 exh. 7)

(6) Despite my severe history of mental illness and recent suicide attempts I was removed from S.A.M unit (by defendants Davis, Carico, Coughron, Lovell and Shepard and Mayor pre-judicial conspiracy) and placed in the general population among the most violent of Virginia's DOC gang members, the same unit I left from after attempting suicide in May (C-570) contraindicated by the known risk having come to fruition previously.

(3)

(7) I continued to file numerous grievances complaining of being denied mental health "treatment", appropriate housing and ADA accommodations for my mental/physical disabilities as my conditions are worsening as a result. I complained to Defendant Davis, Robinson, ~~Sortie~~, Lovell asking for help. These defendants explain to me that defendant Malone and Madson "call the shots" and I have "pissed them off" to where they don't want to help me by sending me back to Greenville Mental Health unit.

(8) Defendant Davis spoke with me on several of his rounds and told me he simply did not care and did not want to hear my "bitching and caving".

(9) ON 9/26/21 I filed A grievance once again about my vision and mental illness being exacerbated (my vision has regressed and worsened from 20/40 to 20/300 w/o glasses since 2019; and, I have attempted suicide ~~and~~ seriously injured myself 7 times since 2019) by being denied ADA accommodations. I spoke with Defendant Conighan several times on his rounds and he would state that we "like everyone else here, is sick and tired" of me manipulating the system and "crying wolf". He responded to my complaint (# WESP-INF-0143) on 9/28/21 that his office has not ever received any request for ADA accommodations — A blatant lie to clearly show his indifference and impunity as a corrupt administration. (See exhb3)

(4)

(10) ON multiple occasions IN C-5 I was assaulted by gang members on JANUARY 6, 21, 23, 2022. I had intel preserve the video footage of these incidents. I asked Defendants Davis, Santos, Capice, Caughran, Lovell, McDuffie personally to protect me and move me into SAM or transfer me to GRCC-MHU. I asked for them to coordinate communication with Defendants Robinson, Clarke, Madsen, Meyer and Malone so as to communicate my grievances and needs. I was repeatedly told by them that I've burned my and all bridges and chances.

(11) I complained of loss of goodtime due to not being allowed A work assignment as an objective/annual goal and COV law requirement. I was then assigned A job to clean the Rec-yed several times A day with A sign posted on my door by UM Santos (SEE EXH 15C). However defendant Church and Capice and Caughran and Davis conspired to not give me credit for work so I do not receive goodtime and did not give me pay/compensation even despite UM Santos responding to grievances that I would. (SEE EXHS 15a-e)

(12) From Feb. 2022 through ~~May 2, 2022~~ ^{May 2, 2022} ~~Defendants~~ ^{Defendants} ~~Stallard, Lt. McCray and Church, and Davis, then Warden~~ ^{Stallard, Lt. McCray and Church, and Davis, then Warden} ~~Artchip~~ each conspired to punish me by refusing me work assignments IN A-Wdg.

(13) I again attempted suicide by stabbing A Winch metal

(5)

Ice-picks into my stomach puncturing my kidney on Feb. 1-7, 2022 due to the exacerbation of my serious mental illness and denial of treatment and being assaulted many times targeted by gang members and defendants refusal to act. I was hospitalized in I.C.U. @ MCV Hospital in Richmond, Va from 2/3 to 2/20/22.

(14) Only after lights Behind Bars attorney ORIN NIMNI (Exh.1) wrote to defendant Davis, Malone and Madsen on 2/25/22 did WRSP defendants move me into A-3 S.A.M unit. Where I met with defendants Stallard, McCay about my grievances, and I was told I would NEVER have a work assignment in A-Wing because of my past and many grievances as they don't like people like me, I was "forced" to "withdraw" my grievances on 4/13/22 threatened with them finding knives in my cell. (SEE EXHIBIT A-F)

(15) On 10/23/23 during rounds I spoke face-to-face with defendants Attrip, Stallard, Coughran and Santos. I requested to each of them that I be placed back into S.A.M unit, I asked for ~~ADA~~ accommodations to dim my lights, A larger TV and watch and for ~~ADA~~ "caregiver" to assist me to read/write, I was told by each defendant that "we don't do ADA at WRSP". I asked each of them to refer me to Sussex or Greensville MHI so I can get ADA accommodations and Mental Health treatment

(6)

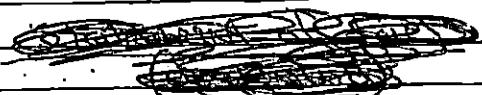
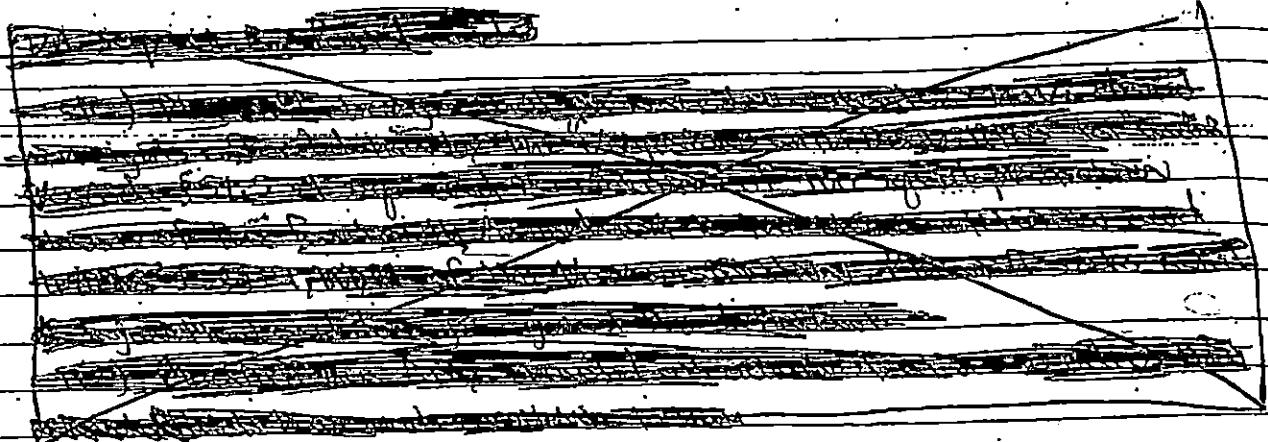
and each defendant told me that they know I need some serious therapy but there's nothing for me at WSP

⑯ Defendant Stalzer inflicted harassed me about rejoicing him as a defendant in this case

⑰ I asked defendant Santor and Attrip to help me file criminal charges against defendant Caudill, Caudwell and John Doe for assaulting me on 10/2/23. I was told that I was not assaulted and it was my fault for not doing as I was told.

⑱ I asked defendant Attrip and Santor if we are supposed to be receiving "A minimum of 7 hrs of out of cell time/REC/activities; per OP 440.1 (Privileges by Security Level) and why are inmates at WSP only getting 3 or less hours per day out of cell time? Defendant Attrip and Santor said "yes" that is correct, but being that the top and bottom tiers come out of cells separately, each tier only get 3 to 3 1/2 hrs each per day; 7 hrs combined. I told him that is contrary to Vacsec policy, that supposed to be A MINIMUM of 7 hrs "per inmate" - they both laughed and responded "since when have you known Wallens Ridge to care about policy". I tried to explain that RTU/seg is required to get 4 hrs out of cell time... and GP (General population) at WSP barely gets 3 hrs... that is egregiously unfair and spending 21 OR MORE hrs in my cell every day in GP is detrimental to my mental/physical health, defendant Attrip responded that maybe I "should go to RTU... if I wanted more REC".

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(19) In regards to this complaint Plaintiff Vache policies are (Operating procedures) OP 803.1, Managing offenders with disabilities and OP 841.2, Work Programs; OP 830.3, Goodtime Awards and OP 730.3, Mental Health levels of services, but not limited thereto; and 440.1 Privileges by security level

(20) Plaintiff has been diagnosed as having several qualified disabilities of physical and mental impairment that substantially limit one or more major life activities, defendants knows as per notes / drawings on his cell door

(21) Plaintiff is legally blind, has Monocular, his left eye is (legally blind) with a visual acuity of 20/200 (the clinical determination of 20/200 is legal blindness). Plaintiff's right eye is "completely" blind diagnosed with Optic Atrophy, retinal detachment and cataracts. See Exhibit 2 a/b

(22) Plaintiff also has a digestive disorder and requires an ostomy/ colostomy prosthesis as a result from Trinity One (21) abdominal surgeries for suicidal attempts by ingesting metal foreign objects since 2004

(23) Plaintiff is also diagnosed with several psychological disorders to include, but not limited to: Post Traumatic Stress Disorder, DEPRESSION, Anxiety and Personality Disorders with an extensive history of suicidality and several self-injury requiring One hundred-twenty-six (126) emergency hospital admissions at 26 different hospitals across Virginia since 2004

(24) Plaintiff has filed a "Request for reasonable accommodations" multiple times: Nov. 23, 2020, April 8, 2021, May 12, 2021 (attached) exhibit 6-8

(25) On May 12, 2021, thru ADA coordinator Mr. Santos met with medical authority, reviewed plaintiff's medical charts, agreeing to grant plaintiff's accommodations request, but none were ever placed except to remove two light bulbs from A five (5) bulb fixture in cell - no other requested Vache pre-set/approved reasonable accommodations (for visually impaired prisoners) have been met to current day, see exhibit 4

(8)

(26) (b) Plaintiff filed numerous grievances on this issue and spoke ^{verbally} to defendants Vardon Davis, ADA Coordinator Captain ^{verbally} "in face" complaining of their refusal and was reportedly told "we believe you can see just fine". Plaintiff was answered by WESP grievance officer as "refusing inmate filing with a reason of 'request for services', stating ADA accommodations will be met and provided" on 8-12-21 see exhibit 5 (and how they again refused and reiterated appeal exib 7)

(27) (b) Plaintiff further spoke with defendant Captain on 9-28-21 complaining again of their blatant discrimination and indifference and he stated Plaintiff needs to see his doctor because "no request for accommodations has been received". This was sent with a grain satirically, since he knows Plaintiff filed several. see exhibit 3 and 7

(28) (b) Plaintiff continued to meet with the medical provider Dr. Mullins and on (?) unknown specific date in February and again (?) in March and May 2022 the Doctor stated for "all ADA accommodations see approved by Vardon, for the visually impaired to be provided." ^{ADAM} In June

(29) (b) Plaintiff had appointment with optometry in April - May 2022 and noted visual acuity to left eye to have been exacerbated from 20/90 to 20/100 since 2019 evaluation at Local Health Care Ctr. against ^{ADAM} see July 1 2022

(30) (b) Plaintiff has requested from all defendants to coordinate communication with Vardon regarding ADA Supervisor (from Ross Division) as Plaintiff has written to her numerous times but receives no responses, however, this was reportedly denied too. Had family/friends call her too and in all defendant denied

(31) (b) on Feb. 25, 2022 A letter/email from "Rights Behind Bars" Attorney, Sean Niemi, was sent to defendant Davis and other Vardon Defendants ^{ADAM} regarding the concerns of the complaints herein with this action (attached) exib. 1 a/b

(32) (b) Plaintiff was denied open pants hearing (i.e., SAM wet/pad) for inmates with mental health/medical disabilities from Feb. 2021 through March 2022 until he was assaulted (attempted murder/strangulation) by A Bloods Gang member on March 1, 2022, despite incessant pleas to be appropriately housed or transferred and grievances from Rights Behind Bars Attorneys see exib. 1 a/b

(33) (b) Plaintiff has also been discriminated against by defendants Stell and ^{ADAM} Vardon by being denied work programs (job assignment) despite numerous attempts and application submittals, being told by these defendants that Plaintiff will not be allowed to have any work assignments while housed in their building because they "don't like" the Plaintiff and "don't trust" his "type" and because he files "too many grievances".

(34) (b) Plaintiff filed grievances explaining that defendants only allow these (3) workers to perform all work duties (e.g. fidder, breakroom, showerman, janitor, resection, etc.) when Vardon policy only allows one task/duty to be assigned to each worker with more than two (2) different positions available Plaintiff was forced to drop out of a task would be found in his cell by

(9)

After they

defendants responded verbally to plaintiff it was because "they're the only three inmates they like and I'd better withdraw complaint or else" (35) Plaintiff gained that (and complicated verbally) OP 841.2, I, sec. K, Va. Statute "Participation in work programs is a factor for cost of hours evaluation for goodtime awards and A requirement by Va. Regulation's Code of Va. § 53.1-202.3; § 53.1-32.1" and that his annual review of his goodtime evaluation in Nov 2021 set his must meet treatment objectives at "obtain/maintain institutional employment" or it will affect his goodtime and push back his release date as it previously did in 2021 and will in 2022 November again. Plaintiff told "withdraw or a work world I found which" (36) (36) Defendants all at WSP treat work programs as a "privilege" subject to "discriminatory favoritism" for assignments, rather than under policy and Code of Va Statute mandatory requirement as part of an inmate's "re-entry" rehabilitation efforts. (37) Defendant Townsend repeatedly refuses to respond to any of the request to meet with plaintiff and tells him she doesn't have time for him when he sees her passing by. (38) Defendant Townsend refuses to allow plaintiff adequate calories/supplies ordered by the Physician Dr. Mullins; repeatedly telling plaintiff he will only receive the amount she decides he needs to give him forcing him to use solid bags and infuses. She refuses to authorizes to ADA reasonable accommodation needs "interferring with Dr. Mullins recommendations. She refuses to post ADA notes on plaintiff door pre-alley. (39) Plaintiff has gained and verbally requested adequate mental health treatment for some long standing suicidality and PTSD, seeking and prescribed weekly therapy sessions for at least one hour performed with a "Trained Professional Counselor" (being unable to get this recommended by WSP Psychiatrist Dr. Mc Duffie; however, WSP does not employ such skilled staff, merely unlicensed "Child-Adult" (child/mental health professionals) that are not recognized by Va Dept of Health Professions as "Trained Therapist") were close WSP allow for individual therapy sessions, Plaintiff repeatedly ask defendants for a transfer to facility with treatment options (40) WSP only allows "evaluation/risk assessments" of self-harm or potential suicide and then, "precautionary measures (i.e., stripped cell) as the full extent of their "outpatient" services, they have no provision for mental health "treatment", script psychotropic prescribed medication. (41) Plaintiff has spoken with defendant (light numinous tries to initiate a mental health referral transfer to (Germanna Mental Health Unit) for residential services and has been denied repeatedly by her "higher up" (these defendants named in previously paragraphs) she says they would have been jobless Plaintiff then asked Defendant Townsend for A transfer to verbally impaired unit at GCC, she refused.

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(11)

(52) (2) Defendant Davis, when plaintiff asked him about a policy providing for a internal review to transfer him so he could get adequate M.H. Treatment, in light of the enclosed hand copy letter to defendant Davis from Plaintiff's Beloved Bars Attorney Orin Nierot, Defendant stated "I don't answer to lawyers...he c'd it to his partners (indicating defendants Malone and Madore) and they said the same thing" see ext. 10/s

(53) (2) Exhibit 21 a-d & 45 A letter plaintiff wrote to defendant Davis, and mailed copies to Defendants Clarke, Robinson, Malone, Deakin, Madore, and hand delivered a copy to defendant Lovell, light and McLaughlin; in essence this was a suicide letter as plaintiff clearly expressed his imminent suicide intent. Each defendant responded similarly by telling plaintiff of his kills himself "it will not hurt anyone but him, it is his choice.

(54) (2) Defendant McLaughlin told plaintiff that defendant Malone has "been putting think ducks in order" "in the event he kills himself. He has expressed to plaintiff on several occasions that how each defendant "feels" about the plaintiff "percludes necessary treatment and placement at Gersmerville Mental Health unit." Plaintiff requested he swear an affidavit to that and he said he'd "answer questions that lawyers ask"

(55) (2) That discussion was in regard to law clearly established in A case by was a defendant with also defendant Clarke and Robinson, 12: Depack v. Clarke, 884 F. 3d 481"

(56) (2) Defendant Madore has written to plaintiff several times affirming his position on Madore as the Senior Psych. Asst. of Central Classification has full authority on plaintiff's M.H.

(12)

for ADA reasonable accommodations of constitutionally protected rights to equal treatment and providing adequate mental health treatment, however, he acknowledges his authority, but espouses a secondary role to ADA challenge other defendant's discrimination because he sees this MHU placement as an "opportunity" rather than A mental health "treatment regimen" or "required care" per Vador policy, state and federal laws. He blatantly points out especially that misbehavior (regardless of precipitated by mental illness as this referring to plaintiff's self-injuries/suicidals/cutting/swallowing behaviors) will not be tolerated and "precludes" any placement/transfer to A mental health unit for treatment.

(57) Defendant Robinson and Lovell have met with plaintiff on on 7 or more occasions (questionable dates but approx. 6/15 in Nov-Dec 2021 by Asmate telecom with defendant Davis and Robinson together; and 3-4 occasions between Feb-26-21 and present day with defendant Lovell) specifically on 3-10-21 plaintiff spoke face to face with defendants Davis and Lovell ^{carcass} complaining of all claims raised herein, including them he was suicidal and going to kill himself at WSP due to inadequate treatment and harsh conditions of lockdown similar to solitary at RSP that has exacerbated his mental illness and caused his PTSD to worsen. They laughed at plaintiff and told him his tried killing himself hundreds of times and it ain't worked, that he is the "boy that cried wolf".

(58) Defendant Clark met with plaintiff face to face



(13)

during his trip to WSP from Richmond headquarters (approx 4/22) plaintiff briefly complained to him about all classes went expanding on the subject of ADA and the necessary and urgent need for adequate treatment before plaintiff ends up committing suicide, defendant Clark acknowledged that "it's true, the regions at MCV (Hospital) has said you can't have another surgery or it will kill you"; plaintiff requested he do something to insure he be transferred back to GCC-MHII for treatment and defendant Clark pointed at defendant Davis and suggested that "there's your problem, talk to him".

(59) Plaintiff asked if he remembers the "Dipolda" case and if it set a ~~precedent~~ legally binding precedent in Va. to provide adequate mental health care and he told plaintiff "In won that case, you wouldn't be here if you stop supplying staff you know will kill you"

(60) Plaintiff further asked defendant Clark about the "jpay" email he and defendant Robinson sent to VADOC where population concerning new governance legislation going into effect July 1, 2022, specifically Code of Va 53.1-202.3 and 53.1-32.1 that authorizes op 841.2 (1)(k)(1), (participation in work programs as key factor in inmate conditions awards), plaintiff told him he's being discriminated against by defendants Stinson, Church and McCary explaining the job charts laid out to (herein paragraphs 40-44) defendants to no avail, plaintiff

(14)

(14)

which concern that he was hired for a job in C-Bldg but defendant Clark refused to acknowledge the application and denied plaintiff the position and pay for 30 days of work imposed by ^{Defendant Sanders} C-Bldg supervisor [see exhibits 15(a-e)]

Defendant Clark's authority ignored any further dialogue with plaintiff and walked off

(61) (b) defendant Shepard's treatment other than her official role as a ~~asst~~ regional supervisor is inaction in detail in facts set out in exhibits 19(a-e)

(62) (b) defendant Mayes ignored and responded ignorantly in a deliberately indifferent disregard for truth as he exercised extreme prejudice in his biased assertion that his subordinate employee defendant Shepard was in no way inappropriate and plaintiff's complaints were completely without merit as he wrote on exhibits 19(b-e). He gave no consideration in plaintiff's complaints solely biasedly with defendant Shepard in his word over plaintiff's and nothing else.

(63) (b) defendant Mayes has the official responsibility to ensure all prisons in the western region offend provide all inmates with medical illness with adequate treatment as he's the Mental Health Clinical supervisor.

(64) (b) on 7/1/22 west optometrist saw and evaluated plaintiff's eye condition and asserting he has a neurological degenerative disorder in his only working eye and a minute sufficient vision acuity of 20/400, double the legally blind

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¶ Plaintiff of 20/200, again attempting to get defendant Townsend to help plaintiff reasonable accommodation in conjunction with defendant Coughran.

(65) (b) Other inmates with partial or legal blindness

Most are housed at Greenville Correctional Center in a specialized unit designed for visually and hearing impaired and all visually impaired inmates are entitled to specific appropriated reasonable accommodation that aid in the functioning of daily living and aid in not exacerbating their disability without it, to name a few: tinted windows in cell, removal of bulbs, A large TV with A remote to control color/contrast/brightness and other visual aid functions, A watch/clock that "speaks" the time, magnification devices for TV/books etc., personal inmate aid for mobility/reading/writing assistance, A large ipod music/meal device, listening devices, special transitional lenses for glasses, etc and not limited thereto, all over already Verloc approved

(66) (b) Plaintiff is receiving none of these, simply 1 bulb removed out of 5, still has 4 bulbs that remain on 24 hrs a day merely dim at night yet still bright enough to read/write by. Defendant Davis and Coughran tells plaintiff he is giving all he need in accommodations and refuse to accommodate. A telecom meeting with ADA supervisor defendant Duckin.

(67) (b) Defendants Robinson, Malone and Madsen and Davis have personally hindered plaintiff placement of being housed

(16)

at GRC-C virtually impaled unit or MHU also next door

there, despite plaintiff consistent request.

(68) (b) All defendants ~~have failed to act~~ to ~~correct~~ to correct any of the unconstitutional wrongs ~~herein~~ to provide for plaintiff's rights under federal statutory
Acts as laid out here in this detailed complaint.

(69) Defendant McDiffie's recommendation for referral to
GRC-C/MHU to provide for me to receive adequate M.H
treatment was denied by GRC-C/MHU director who has
only A "Master's Degree in social work - NOT A Ph.D)
as defendant McDiffie is A licensed MD and Psychiatrist

(70) Defendant Madson, as the Senior psychology associate at
Central Classification has the duty to either direct the
MHU to accept my referral or find another suitable
placement to provide the same/equivalent M.H treatment
defendant McDiffie recommended; however, he did nothing
except to have me stay at WRSP with NO treatment

(71) Defendant Clark, Robinson, Malone, Madson, Meyer and
the IABDC are aware of my risk of suicide and history
of mental illness (PTSD) from prolonged long-term
solitary confinement/isolation (11 years in RSP
solitary), yet refuse to provide for adequate "treatment"
in its prisons, esp WRSP/RSP. Continuously referring
to "access to services" interchangeably with "treatment"
Knowing WRSP/RSP and all other facilities (other than MCI
and GRC-C/MHU) have NO qualified mental health clinicians

(17)

i.e., licensed clinical therapist to treat specific mental health disorders e.g. PTSD.

(72) "ACCESS to SERVICES/AD PATIENT" consist as merely A "psychology associate" (a fancy trumped up euphemism for a person with a master's degree in typically social work/education — not the Virginia department of health professions and Virginia department behavioral and developmental services Requirements to TREAT MENTAL ILLNESS) ... who comes to speak with you briefly appx. 5-10 min. to assess your complaint and offer you to see a psychiatrist and/or be placed on suicide precautions naked in a cell property-less in which you have to lie that you "feel better" to get your clothes and property back and return to population from segregation/suicide precautions. He/she may offer you some words/scrabble/Sudoku puzzles.

(73) The psychiatrist (Defendant McJunkin) can prescribe medication and/or refer you to an acute mental health facility (MTC) to medicate you; or to a MHU.

(74) Which forces the question what "SERVICES" are being offered or are "available" to TREAT the plaintiff's mental health disorder commensurate to his psychiatrist's recommendations/orders?

(75) Defendants and Vadek attempt to fool this court that the plaintiff is being "treated" by having access to mental health services

(76) The plaintiff is being denied this "access" to said services, i.e., "TREATMENT" by licensed therapist to treat PTSD).

(77) Defendant Chadwick Dawson (previously Michael Clarke) and defendant Astrip (previously Michael Davis) are responsible for the health, safety and moral and physical overall well-being in accordance to all applicable state/federal laws and standards and the ADA and Rehabilitation Act and the 14th Amend. of the US. Const. that provides for equal protection: As a legal state under the 13th Amend. and the state covered, fully insured private by blue cross/blue shield-Anthem Health Insurance contract with the VA/DC, it is a requirement that I be complete with my and all medical needs met with licensed professionals to render treatment for any recommendations by any other licensed professionals as the Vadek has accrued the premium health coverage in the Anthem Health Insurance policy and contract in conjunction to the allocation of federal/state funds allotted per capita.

(78) Defendants Dawson and Astrip and Townsend are committing ~~fraud~~ insurance fraud and Breach of contract by denying plaintiff H. Medical Doctor's psychiatrist recommendations while accepting funds allocated through Anthem Corporation contract policies for inpatient coverages.

(79) Defendant Townsend has consistently refused the plaintiff access to his medical records, she has even conspired to destroy records that I've requested that are demonstrative of this

case and the issues laid out herein:

(18)

(80) I was transferred from River North Corr. Ctr back to WRSP on Sept. 21st 2023 and placed in general population amongst a majority of gang members of 80 plus inmates despite the known risk posed to me with my serious mental illness and recent suicide attempts.

(81) I spoke with defendant Afridi in passing, to be housed in a softer environment and he stated he hasn't got time for me, I spoke with defendant Light and McDuffie requesting a lateral transfer to SX1 SAM unit and/or either another referral attempt to GRCC-MHU for treatment. Light told me there will not be any "negotiations" with me from the administration.

(82) On Oct 2nd I was assaulted by C/Ss Coulwell and Coulill and John Doe during evening 6:30pm RIC where I was told to tuck in my shirt, I alerted staff that I had a medical disability and a prof/s pass Dr. order to not tuck in my shirt due to a colostomy bag. These 3 C/Ss made me "show them my ostomy in the middle of the pod in front of all inmates watching in violation of many ADA/Medical Privacy Acts, etc. I was told I was to return to my cell, losing my RIC for not tucking in my shirt. I asked to speak with a supervisor, these 3 C/Ss took me into the vestibule and began to forcibly put handcuffs on me behind-my-back despite me exclaiming that I have a "cuff-in-front" medical/Dr. order. They then slammed me into the wall,uffed me behind my back, forced me to my knees despite my protest that I have a "no kneel" Dr order too. I was then slammed in my face and stomach bursting my colostomy bag all over me. I was placed in segregation/bulky

(19)

for 4 days and forced to accept a penalty offer of \$10 fine for 2 disciplinary on order changes so as to go back to population.

(83) On Tuesday 10/6/23 I HO King, saw me walking across the yard back to A-Hole and said "My house, ... fuck 'em, I'ma have some BLACKS or ARYANS fuck 'em up as soon as you start crying with that fake suicide manipulation.

(84) Yesterday, 10/17 Mr King came into A-6 and called me a bitch, a snitch and a child molester in front of other inmates in attempt to create violence against me. He stated "I'll get anyone a job outside the hole. That fucks this piece of shit up."

(85) Mr. King was the Chief of security / Major here at WRSP and was moved to ROSP and was demoted due to an egregious amount of acts of unethical/unprofessional conduct. He is now back at WRSP as a Disciplinary hearings officer. Despite his known prejudicial and unethical behavior, this speaks volumes to the Vader turning a blind eye to the racist, hostile culture and climate and use of excessive force, in the remote supermax prisons in Southwest Va. WRSP/ROSP/RNCC/KMC

(86) on 10/12/23 I spoke to defendant Warden Artrip and UM Santer to ask why they are allowing general population (GP) inmates to spend 20 plus hours a day in their cells [during normal operations] when Vader OP 440.1 (privileges by security level) states "offenders housed/assigned to a security level 5 are to receive a minimum of 7 hours of out of cell activities, since 9/25/23 when I returned to WRSP I have not had more than 3 hours per day out of my cell during all normal operations. Warden Artrip and UM Santer told me that they get out with it because they calculate the "combined" total out of cell time between the top and bottom tiers. Top and bottom tiers count out separately. If the top gets out for 3 1/2 hours and the bottom gets out for 3 1/2 hours WRSP documents that as having allowed everyone 7 hours out of cell activities.

(87) I complained to Warden Artrip and UM Santer that Vader OP 440.1 states "offenders" as in each individual inmate must receive a minimum of 7 hours, ... They responded that as (long as their records document that they pulled 7 hours of RSC then that's what headquarters wants and since when did I know WRSP to care about policy.

(88) I told Defendant Artrip and Santer that spending 20 plus hours a day in my cell in GP is detrimental to my mental and physical well-being and exacerbates my mental illness of PTSD from spending over a decade in long-term solitary confinement at WRSP/ROSP and that I am classified as SMI (severe mental illness) with a "25 MH code"

(20)

⑧ I pointed out to them that RHN/Segregation is required to give inmates a minimum of 4 hours out of their cells

⑨ So far for inmates in GP to receive LESS time of out of cell activities, esp. for anyone with a mental illness, is an Egregious violation of Policy, not to mention inmates constitutional rights

⑩ Defendants weird Artrip and Santos told me that I should consider going to RHN (seg) then.

Therefore, I conclude with the following
 "Claims for Relief"

for defendants Artrip, Santos to subjectively and strategically house inmates (esp. SMI classified) in GP for 20/21 plus hours a day in their cells in spite of a policy requiring A minimum of 7 hours (§2-5) out of cell activities during normal operations and subjectively and strategically combining out of cell time between 2 tiers to manipulate records/documentation falsely and maliciously violates the 8th Amend. of the US Const. against cruel and unusual punishment

for Defendant Madew to hold the official position responsible for the housing/classification assignments in and out of mental health units and to not comply or make any effort to satisfy a Psychiatrist's order/ recommendations to transfer plaintiff to a facility (GCU-MHU) that can accommodate one-on-one therapy for PTSD treatment. Violates the 8th Amend. of the US Const. and the ADA/Rehab Act and 14th Amend. of the US. Const. Also defendant Malone, Clarke/Dodson, Robinson, Moye and Shepard and Lovell are culpable/ liable in their official capacity for the aforementioned cause of actions and relief

for Defendant Lewis to interfere with my SMI unit classification by demanding my removal in order to be transferred to GP knowing my Risk and Mi code and suicidal history and medical disabilities and overall vulnerability violates the 8th Amend.

(21)

continued

Claims for Relief

... of the US Const of cruel & unusual punishment in which the relief is sought...

... In the failures and action/inactions stated in the complaint by not providing adequate mental health treatment recommended by A Psychiatrist that complies with the ADA 42 USC §12101 et seq. and 29 USC §794 sec 504 of the Rehab Act and the 14th and 8th Amend. of the US Const. was violated by subjective and objective standards by defendants Clarke, Dotson, D. Robinson, Malone, Durbin, Madsen, Lurie, Shepard, Moyer, Davis, Atkrip, Corisco, Caughron, Townsend, Santos, Light, Stallard, Anderson, Bateman, Hamm, Haynes, Hesp, Hesas, Ahner, Spangler, Sturdivant

for violation of State Test of assault (CIV §18.2-57) relief is sought against C/S Caudill, Caudwell and John Doe

for denying requested ADA accommodations in relation to the plaintiff's visual disability defendants Hamm, Santos, Caughron, Atkrip, Davis, Stallard, D. Robinson, Clarke, Dotson, Durbin, Corisco, Townsend, Hawks, Robinson, Taylor, Hippy, Bateman, Anderson have violated the ADA, Rehab Act and 8th & 14th Amendments of the US Const.

for forcing the plaintiff to reuse soiled colostomy bags and go without any colostomy supplies and have exposed stoma, defendants Townsend, Taylor, Hawks, Robinson and Hippy violated the ADA, Rehab Act and 8th & 14th Amend. of the US Const.

for defendants Clarke/ Dotson, D. Robinson, Davis/ Atkrip, Anderson, Bateman, Lurie, Madsen, Corisco, Santos, Stallard, Caudell, McRae, Light, McWhirr ~~Madsen~~, Malone, Shepard and Moyer to purposefully deny and their failure to safely house plaintiff in accordance with ADA/ Rehab Act Vendor Policy commensurate to his medical/mental health needs

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and purposefully exposing him to threats/assaults of known gang members "hits" violate the ADA/Bulky Act and 8th Amendment of the US Const. (Continued p. 23)

A large, hand-drawn black 'X' is drawn over a horizontal line of cursive handwriting that reads "The Pathway to Success". The handwriting is in black ink on white paper. The 'X' is drawn with a single continuous line, crossing the entire width of the page. The cursive handwriting is somewhat messy and appears to be a single continuous line.

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Conformed
Claims for Relief

The failure of ^{Custodial} ~~several~~ Defendants playing a significant role in their individual/personal action of tortious and in their official responsibilities to provide for the plaintiff's rights under 29 USC § 794, section 504 of the Rehabilitation Act and 42 USC § 12101 et seq. of the Americans with Disabilities Act of reasonable accommodations, his health safety and equal protection against discrimination entitles the plaintiff to relief; and

The actions and inactions of the defendants for these present roles and failures in the official duties in forcing the plaintiff to work without pay (defendant Snipes, church) and forcing him to reuse unsanitary cold storage bags, denying reasonable accommodations and Doctors orders (defendants ^{Taylor, Hawks} Lawrence) and adequate mental health treatment being denied knowing the plaintiff's extensive history of mental illness (defendants Clark, Robinson, Deean Malone, Durbin, Madson, Kibell, Siepold, Meyer, Davis, Corr, Coughran, McDuffie and Light) constitutes deliberate indifference to the原告's medical need and cruel and unusual punishment; and violates the 8th amendment of the US Constitution.

The failure of defendants Mercury, Steward and Church, Santos to provide for state created (Solely) interest in loss of good time by not providing work program participation violates the 14th amendment of the US const. and against discrimination of the Rehabilitation Act and ADA.

All defendants fail to curb these federal const/section 8 violations the ADA/Rehabilitation Act.

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Relief Requested

WHEREFORE, plaintiff request that this court grant the following relief:

A. Issue A declaratory judgment stating that:

1.) The actions and/or omissions herein by the defendants violated and continue to violate the plaintiff's rights under state/federal constitutions and statutes

B. Issue an injunction ordering defendants as their agents to:

1.) conduct an ~~initial~~ ~~initial~~ review/reclassifying the plaintiff to ~~level~~ ~~level~~ an appropriate ~~level~~ and to take positive ~~level~~

2.) complete & initial ~~initial~~ transfer ~~initial~~ to ~~level~~ ~~level~~ for immediate appropriate placement/holding at ~~level~~ ~~level~~ Mental Health Unit for long-term residential treatment pursuant to Va Code § 8.01-622.1(B)

3.) comply and provide all request for reasonable accommodations approved by the ~~level~~ ADA Coordinator at Headquarters for the qualified disabilities of plaintiff and provide for the plaintiff A telecommunication appointment with the ~~level~~ ADA coordinator supervised three immediately to review continued accommodations

C. Award compensatory and punitive damages in the following amounts:

1.) \$100,000 jointly and severally against defendants for the physical and emotional injuries sustained from plaintiff's suicide attempts and defendants' actions and omissions laid out herein this complaint and for the punishment, including deprivation of liberty and autonomy and cruel and unusual punishment and "caged ~~haem~~"

D. Grant such other relief as it may appear that plaintiff is entitled

Plaintiff swears under penalty of perjury, pursuant to USC § 1746 and Va. Code § 8.01-280, that the foregoing is true and correct.

~~Respectfully submitted,~~
Jacob Shouse, #16014491

~~Jacob Shouse~~
WES, P.O. Box 759
Big Stone Gap, VA 24219

Oct. 25, 2023

GRACIE SNAUSE, 1101441
Wallens Ridge State Prison
PO Box 759
Big Stone Gap, Va. 24219

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Mailroom

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State Prison

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Va. 24011

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